

**THURSDAY, APRIL 16, 1998**  
**EIGHTY-FIFTH LEGISLATIVE DAY**

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Mike Shannon, First Christian Church, Johnson City, Tennessee.

Representative Patton led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 95

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Langster; illness

Representative Phelan; medical reasons

Representative Brown; personal reasons

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 167:** Rep(s). Brooks as prime sponsor(s).

- House Bill No. 2340:** Rep(s). Bittle, Sharp, Boyer and Wood as prime sponsor(s).
- House Bill No. 2443:** Rep(s). Fitzhugh as prime sponsor(s).
- House Bill No. 2653:** Rep(s). Arriola, Walker(Blount), Patton and Ferguson as prime sponsor(s).
- House Bill No. 2867:** Rep(s). Roach and Burchett as prime sponsor(s).
- House Bill No. 2897:** Rep(s). Patton as prime sponsor(s).
- House Bill No. 2965:** Rep(s). Hargett, McDonald, Patton, Ford, Eckles, Hood and Wood as prime sponsor(s).
- House Bill No. 2980:** Rep(s). Brooks as prime sponsor(s).
- House Bill No. 3041:** Rep(s). Buck as prime sponsor(s).
- House Bill No. 3132:** Rep(s). Pruitt as prime sponsor(s).
- House Bill No. 3135:** Rep(s). Patton, Ford, Wood and Sharp as prime sponsor(s).
- House Bill No. 3286:** Rep(s). Hargett, Pleasant, Wood, Sharp and Walker(Blount) as prime sponsor(s).
- House Bill No. 3312:** Rep(s). Kent, McAfee, Cole(Carter), U. Jones, J. DeBerry and Haley as prime sponsor(s).

#### SPONSORS REMOVED

On motion, Rep(s). Kernell was/were removed as sponsor(s) of **House Bill No. 3286**.

#### MESSAGE FROM THE SENATE

April 16, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 660; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 660** -- Memorials, Personal Occasion - Senator John Hicks and Peggy Hicks, 50th wedding anniversary. by \*Henry, \*Atchley, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L., \*Dixon, \*Elsea, \*Ford J., \*Fowler, \*Gilbert, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jordan, \*Koella, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J., \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.



**MESSAGE FROM THE SENATE**

**April 16, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 661; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 661** -- Memorials, Sports - 1997-1998 Ezell-Harding Christian School boys' basketball team, TSSAA Class A state championship. by \*Rochelle.

**MESSAGE FROM THE GOVERNOR**

**April 16, 1998**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 3068, without his signature.

COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**April 16, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3212; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 16, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2289; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 16, 1998**

MR. SPEAKER: I am directed to request the return of House, House Bill(s) No(s). 3154; for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 16, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 2 -- Relative to propose an Amendment to Article 1, of the Constitution of Tennessee, for the exclusive purpose of establishing certain constitutional rights to which victims of crime are entitled and authorizing the general assembly to enact legislation to define, enforce, implement and protect such rights.

The resolution passed three readings in the Senate by a roll call vote in accordance with Article 1, Constitution of the State of Tennessee.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 16, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 654; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 654** -- Memorials, Professional Achievement - THA, 60th anniversary. by \*Crutchfield, \*Fowler, \*Crowe, \*McNally.

**ENROLLED BILLS**

**April 16, 1998**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 2662, 2718 and 3003.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 16, 1998**

The Speaker signed the following: House Bill(s) No(s). 2662, 2718 and 3003.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**House Joint Resolution No. 706** -- Naming and Designating - "Children's Day," September 19, 1998. by \*Davidson.

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Calendar & Rules Committee

**\*House Joint Resolution No. 730** -- General Assembly, Statement of Intent or Position - Urges department of safety to inform hospital and emergency service personnel of danger associated with use of latex in workplace, and to establish protocols to address care of patients with such allergies. by \*Sharp.

Finance, Ways & Means Committee

**\*House Joint Resolution No. 734** -- Highway Signs - "Hod Lisenbee Memorial Boulevard," segment of U.S. 79 in Montgomery County. by \*McMillan, \*Head.

Transportation Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 20, 1998:

**House Resolution No. 195** -- Memorials, Retirement - Dean Norman. by \*Ferguson, \*Windle, \*Cross.

**House Joint Resolution No. 726** -- Memorials, Interns - Jason Tigert. by \*Pleasant, \*Hargett.

**House Joint Resolution No. 727** -- Memorials, Recognition and Thanks - O. W. Smith III. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 728** -- Memorials, Retirement - Mayor Bobby Flaherty. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 729** -- Memorials, Public Service - Kelee Herring-Snider. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 732** -- Memorials, Sports - 1997-1998 Celina High School girls' basketball team, TSSAA Class A State Tournament semifinalist. by \*Winningham.

**House Joint Resolution No. 735** -- Memorials, Public Service - Congressman Harold Ford, Sr. by \*DeBerry J, \*Bowers.

**House Joint Resolution No. 736** -- Memorials, Recognition and Thanks - Reverend Larry Williams, 15th anniversary as pastor of Ooltewah Baptist Church. by \*Wood.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 20, 1998:

**Senate Joint Resolution No. 654** -- Memorials, Professional Achievement - THA, 60th anniversary. by \*Crutchfield, \*Fowler, \*Crowe, \*McNally.

**Senate Joint Resolution No. 661** -- Memorials, Sports - 1997-1998 Ezell-Harding Christian School boys' basketball team, TSSAA Class A state championship. by \*Rochelle.

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

**\*Senate Joint Resolution No. 571** -- Naming and Designating - "Descendants Park" in honor of Charles Howell, Granny White Pike and I-440 in Davidson County. by \*Henry, \*Atchley, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L., \*Dixon, \*Elsea, \*Ford J., \*Fowler, \*Gilbert, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jordan, \*Koella, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J., \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

Transportation Committee

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 3425** -- Bluff City - Subject to local approval, revises charter relative to date of town general elections. Amends Chapter 24, Private Acts of 1997. by \*Godsey.

**House Bill No. 3426** -- Somerville - Subject to local approval, rewrites charter - Repeals Chapter 409 of Acts of 1901, as amended. by \*Naifeh, \*Walley.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 3422** -- Hardin County -- Local Bill Held on House Desk

**House Bill No. 3423** -- Hardin County -- Local Bill Held on House Desk

**House Bill No. 3424** -- Cannon County -- Local Bill Held on House Desk

## REPORTS FROM STANDING COMMITTEES

The committees that met on **April 16, 1998**, reported the following:

### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 22, 1998**: House Bill(s) No(s). 3302, 1612, 2689, 3132, 3093, 2474, 1751, 2988, 2881, 3128, 2330, 1180, 2875, 2752, 2726, 1492, 2995, 3045, 754, 3235, 2124, 3041, House Joint Resolution(s) No(s). 567, 565, 477, House Resolution(s) No(s). 90, 91, 167 and Senate Joint Resolution(s) No(s). 412.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 22, 1998**: House Bill(s) No(s). 2890, 1580, 1878, 2780, House Joint Resolution(s) No(s). 505, House Resolution(s) No(s). 186 and Senate Joint Resolution(s) No(s). 389.

The Committee further reported that House Bill No. 3102 was considered but failed to pass.

### CONSENT CALENDAR

**House Resolution No. 192** -- Memorials, Interns - Cindy Avans. by \*Rhinehart, \*Curtiss, \*Phelan.

**House Resolution No. 193** -- Memorials, Professional Achievement - Melanie Leigh Hornsby, 23rd Annual Gracie Allen award. by \*Patton.

**House Resolution No. 194** -- Memorials, Recognition and Thanks - Sullivan North High School Naval Junior Reserve Officers Training Corp. by \*Godsey.

**House Joint Resolution No. 700** -- Memorials, Academic Achievement - Alicia Lee Anne Kizer, Valedictorian, Santa Fe High School. by \*Sands.

**House Joint Resolution No. 701** -- Memorials, Interns - Tara Walters. by \*Patton.

**House Joint Resolution No. 702** -- Memorials, Academic Achievement - Kathy Irene Dougherty, 1998 Valedictorian, Hampshire High School. by \*Sands, \*White.

**House Joint Resolution No. 703** -- Memorials, Public Service - Better Roads in North Knox (BRINK). by \*Burchett.

**House Joint Resolution No. 705** -- Memorials, Interns - Tara Christena Walters. by \*Whitson, \*Walker (Rhea), \*Westmoreland, \*Sargent, \*Patton.

**House Joint Resolution No. 707** -- Memorials, Retirement - Noah F. Weaver. by \*Walley.

**House Joint Resolution No. 708** -- Memorials, Academic Achievement - Laura Anderson, Morristown West High School, highest academic honors. by \*Ford S.

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**House Joint Resolution No. 709** -- Memorials, Academic Achievement - Lori Ann Ball, Highest Honors, Morristown-Hamblen High School East. by \*Ford S.

**House Joint Resolution No. 710** -- Memorials, Academic Achievement - Liane Previtera, Highest Honors, Morristown West High School. by \*Ford S.

**House Joint Resolution No. 711** -- Memorials, Recognition and Thanks - Crockett Tavern Museum, 40th Anniversary. by \*Ford S.

**House Joint Resolution No. 712** -- Memorials, Academic Achievement - Chris John Garby, Top honors, Morristown-Hamblen High School. by \*Ford S.

**House Joint Resolution No. 713** -- Memorials, Academic Achievement - Shaunna Phillips, 1998 top Honors Student, Morristown-Hamblen High School East. by \*Ford S.

**House Joint Resolution No. 714** -- Memorials, Interns - Carolyn Blair. by \*Beavers.

**House Joint Resolution No. 715** -- Memorials, Death - Daniel Moffett. by \*Winningham.

**House Joint Resolution No. 716** -- Memorials, Heroism - Shannon Wright, teacher. by \*Cooper B, \*Miller L, \*Pleasant, \*Brooks, \*Bowers, \*DeBerry J, \*Jones U (Shelby), \*Chumney, \*Caldwell, \*Towns, \*Hassell, \*Scroggs, \*Davidson, \*McDonald, \*DeBerry L, \*Frale, \*Armstrong, \*Stulce, \*Turner (Hamilton).

**House Joint Resolution No. 717** -- Memorials, Recognition and Thanks - Gladys Boone, Lenoir City Elementary School teacher. by \*Kerr, \*Gunnels.

**House Joint Resolution No. 718** -- Memorials, Professional Achievement - Jane Whitaker, Physics/Chemistry teacher, Lenoir City High School, Presidential Award for Excellence. by \*Kerr, \*Gunnels.

**House Joint Resolution No. 720** -- Memorials, Interns - John E. Thompson. by \*Robinson, \*Fowlkes, \*White, \*Frale, \*Tidwell, \*Hood, \*McDonald, \*Ridgeway, \*Sharp, \*Dunn, \*Eckles, \*Turner (Shelby), \*Hassell, \*Hicks, \*Newton, \*Burchett, \*Stamps, \*Haley, \*Beavers, \*Buck, \*Davis R, \*Roach, \*Head.

**House Joint Resolution No. 721** -- Memorials, Academic Achievement - Christopher Edward Johnson, 1998 Valedictorian, Columbia Central High School. by \*Sands.

**House Joint Resolution No. 722** -- Memorials, Sports - Charles Fowler, Pop Warner Regional Volunteer of the Year. by \*Sands.

**House Joint Resolution No. 723** -- Memorials, Academic Achievement - Bradley James Richardson, 1998 Valedictorian, Culleoka High School. by \*Sands.

**House Joint Resolution No. 724** -- Memorials, Academic Achievement - Judith Nichole Russell, 1998 Valedictorian, Mt. Pleasant High School. by \*Sands.

**House Joint Resolution No. 725** -- Memorials, Retirement - Alan Carmichael. by \*Burchett.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

#### REGULAR CALENDAR

**\*House Bill No. 2080** -- Historical Commission - Requires six members of commission to be academically-trained historians with master's degree in history, two from each grand division; three to be African-American, one from each grand division; appointments to be made as vacancies occur or at expiration of terms. Amends TCA Section 4-11-102. by \*Pruitt, \*Brooks, \*Langster, \*Bird. (SB2322 by \*Dixon)

Further consideration of House Bill No. 2080 previously considered on March 23, 1998, March 26, 1998, and April 6, 1998, and reset to today's Calendar.

Rep. Pruitt moved that House Bill No. 2080 be passed on third and final consideration.

Rep. Pruitt moved adoption of Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 2080 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 4-11-102(a), is amended by adding the following language after the last sentence:

At least six (6) persons serving on the commission shall have an academic background in history and/or historic preservation, preferably a master's degree. In making the appointments, there should be a conscientious effort by the appointing authority to insure that persons meeting these criteria are inclusive of African-Americans and of Native American ancestry.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Pruitt moved that **House Bill No. 2080**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|                              |    |
|------------------------------|----|
| Ayes .....                   | 91 |
| Noes .....                   | 0  |
| Present and not voting ..... | 1  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Whitson -- 1.

A motion to reconsider was tabled.

**House Bill No. 2035** -- County Officers - Permits increase of county officials' salaries upon resolution of county legislative body of Williamson County. Amends TCA Title 8, Chapter 24. by \*Sargent, \*Williams (Williamson). (\*SB2042 by \*Jordan)

Further consideration of House Bill No. 2035 previously considered on April 6, 1998, April 8, 1998, and April 9, 1998, and reset to today's Calendar.

Rep. Sargent moved that House Bill No. 2035 be passed on third and final consideration.

Rep. West moved that House Bill No. 2035 be re-referred to the State & Local Government Committee which motion prevailed by the following vote:



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Ayes ..... 57  
Noes ..... 31  
Present and not voting ..... 1

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Head, Jackson, Jones S., Kent, Kernell, Kisber, Lewis, Maddox, McAfee, McDonald, McKee, McMillan, Miller, Odom, Patton, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Stulce, Tidwell, Tindell, Turner (Shelby), West, White, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Davis, Dunn, Fowlkes, Fraley, Godsey, Goins, Halteman-Harwell, Hargett, Hicks, Hood, Huskey, Kerr, McDaniel, Mumpower, Newton, Pleasant, Pruitt, Sargent, Scroggs, Sharp, Stamps, Towns, Walker (Blount), Walker (Rhea), Walley, Williams, Wood -- 31.

Representatives present and not voting were: Cooper -- 1.

A motion to reconsider was tabled.

**\*Senate Bill No. 342** -- Workers' Compensation - Makes removal of safety device or warning where person is injured or killed Class A misdemeanor. Amends TCA Title 39, Chapter 17, Part 1. by \*Haynes. (HB1783 by \*Odom)

Further consideration of Senate Bill No. 342 previously considered on May 22, 1997, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment(s) No(s). 1, 2 and 3. The bill was also considered on May 29, 1997, February 2, 1998, April 1, 1998, and April 8, 1998, at which time the House adopted Amendment(s) No(s). 6, 7, and 8. The bill was considered on May 9, 1998, and reset to today's Calendar.

Rep. Odom requested that Senate Bill No. 342 be moved to the heel of the Calendar.

**House Bill No. 3203** -- Criminal Offenses - Redefines "lewdness" to include indecent exposure. Amends TCA Section 29-3-101. by \*Dunn, \*Burchett, \*Bone, \*West, \*Haley, \*Pleasant. (\*SB1610 by \*Jordan)

Further consideration of House Bill No. 3203 previously considered on March 23, 1998, March 26, 1998, March 30, 1998, April 1, 1998 and April 9, 1998, and reset to today's Calendar.

Rep. Dunn requested that House Bill No. 3203 be moved to the heel of the Calendar.

**\*House Bill No. 3135** -- Managed Care Organizations - Requires non-TennCare health maintenance organizations to provide certain continuity of care and independent review entity for certain decisions by HMO. Amends TCA Title 56. by \*Rhinehart, \*Walker (Rhea), \*Pleasant, \*Hargett, \*Newton, \*Haley, \*Walker (Blount), \*Bowers. (SB3279 by \*Rochelle, \*Elsa)

Further consideration of House Bill No. 3135 previously considered on March 9, 1998 and March 11, 1998, at which time it was rereferred to the Finance, Ways & Means Committee. The bill was also considered on April 9, 1998, at which time the House was on the motion to adopt Amendment No. 1, and reset to today's Calendar.

Rep. Rhinehart moved that House Bill No(s). 3135 be reset for the Regular Calendar on April 23, 1998, which motion prevailed.

**House Bill No. 3312** -- Culture - Exempts certain not-for-profit arts organizations from property taxation. Amends TCA Title 67, Chapter 5, Part 2. by \*Garrett, \*Chumney. (\*SB3156 by \*Cohen, \*Harper, \*Crowe)

On motion, House Bill No. 3312 was made to conform with **Senate Bill No. 3156**; the Senate Bill was substituted for the House Bill.

Rep. Garrett moved that Senate Bill No. 3156 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Garrett moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 3156 By deleting the word "notice" in subdivision (b)(1) of Section 1 and by substituting instead the language "articles".

AND FURTHER AMEND by deleting the word "association" in subdivision (b)(2) and in subdivision (b)(3) of Section 1 and by substituting instead the word "organization".

On motion, Amendment No. 2 was adopted.

Rep. Garrett moved that **Senate Bill No. 3156**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 2364** -- Children - Revises from six to 12 years age of children prohibited from riding in open bed of pickup truck. Amends TCA Section 55-8-189. by \*Kisber. (\*SB2061 by \*Cooper)

On motion, House Bill No. 2364 was made to conform with **Senate Bill No. 2061**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 2061 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2061** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2773** -- Fees - Increases certain fees for certain services provided by county registers and the secretary of state. Amends TCA Title 8, Chapter 21 and Title 47, Chapter 9. by \*Buck, \*McMillan. (\*SB2804 by \*Rochelle)

Rep. Buck moved that House Bill No. 2773 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2773 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-21-1001, is amended by deleting subsections (b), (c), (d), (e), (f) and (g) and by substituting instead the following language to be designated as subsections (b), (c) and (d):

(b) Except for instruments filed under the Uniform Commercial Code, Title 47, Chapters 1 through 9, the register of each county of this state is entitled to demand and receive for such register's services a fee of two dollars (\$2.00) for each instrument recorded or filed in such register's office.

(c) The fees collected pursuant to subsection (b) and the fees collected by the register as a result of the increase in fees for the filing or recording of Uniform Commercial Code instruments from ten dollars (\$10.00) to twelve dollars (\$12.00) for each such fee charged pursuant to Title 47, Chapter 9, Part 4, shall be allocated by such register's county for the purchase of computer equipment and software, upgrades to computer equipment and software, and supplies, maintenance and services relating to computer equipment and software, for use in the register's office; provided, however, that the expenditure of these additional fees shall not be earmarked in any county that on the effective date of this act was authorized under prior law to charge an additional recording fee of one dollar (\$1.00) or two dollars (\$2.00) for each instrument filed or recorded in the register's office that was not earmarked for a particular purpose.

(d) The county register shall not be entitled to demand and receive any fees for notices of liens for overdue child or spousal support or releases of same entered into a computer system with a terminal in the county register's office by the department of human services pursuant to subdivision (b)(3) of Section 36-5-901.

SECTION 2. Tennessee Code Annotated, Title 47, Chapter 9, Part 4, is amended by deleting the language, figures and symbols "ten dollars (\$10.00)" wherever such language appears and substituting instead the language, figures and symbols "twelve dollars (\$12.00)", and by deleting the following language wherever it appears:

" , if filed with a register's office in a county with a population of not less than sixty-seven thousand three hundred (67,300) nor more than sixty-seven thousand four hundred (67,400) according to the 1980 federal census or any subsequent federal census."

SECTION 3. Title 47, Chapter 9, Part 4, is further amended by deleting the language "first two (2) pages" wherever such language appears in said part and substituting instead the language "first ten (10) pages".

SECTION 4. Tennessee Code Annotated, Section 8-21-106, is amended by adding the following:

Fees established for transactions under the Uniform Commercial Code, Title 47, Chapters 1-9, shall be exclusively those fees established therein.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2773 by adding the following new subsection (d) to the amendatory language of SECTION 1 as amended by House Judiciary Committee Amendment # 1 and by relettering present subsection (d) accordingly:

(d) All private act provisions authorizing registration or recording fees to be charged by the county register in amounts additional to those authorized by general law are superseded.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved that **House Bill No. 2773**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 92  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**House Bill No. 2867** -- Teachers - Allows children of teacher to attend school at which such parent or guardian teacher is employed, either in same or different district. Amends TCA Section 49-6-3113. by \*Tindell, \*Armstrong, \*Boyer, \*Eckles, \*Davidson, \*Cole (Carter), \*Fowlkes, \*McDonald, \*Head, \*Bone, \*Rhinehart, \*Hood, \*Walley. (\*SB2427 by \*Crutchfield)

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Tindell moved that House Bill No. 2867 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Davidson moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2867 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-3113, is amended by designating the existing language as subsection (a) and by adding the following new subsection:

(\_\_\_) Pursuant to board policy, a parent or guardian teaching in the school system of his or her residence may be allowed to enroll his or her child at the school where the parent or guardian teaches. Nothing herein shall be construed to limit the board's authority in student assignment as set forth in Tennessee Code Annotated, Title 49, Chapter 6, Part 31.

On motion, Amendment No. 2 was adopted.

Rep. Tindell moved that **House Bill No. 2867**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|                              |    |
|------------------------------|----|
| Ayes .....                   | 90 |
| Noes .....                   | 0  |
| Present and not voting ..... | 2  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Godsey, Mumpower -- 2.

A motion to reconsider was tabled.

**House Bill No. 2174** -- Sunset Laws - Hemophilia advisory committee, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 41, relative. by \*Kernell, \*Garrett, \*Brooks. (\*SB2110 by \*Springer)

On motion, House Bill No. 2174 was made to conform with **Senate Bill No. 2110**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 2110 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2110 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-222(a), is amended by adding the following as a new item thereto:

( ) Hemophilia advisory committee, created by Section 68-41-103;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 2110**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2175** -- Sunset Laws - Perinatal advisory committee, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 1. by \*Kernell, \*Garrett, \*Brooks. (\*SB2109 by \*Springer)

On motion, House Bill No. 2175 was made to conform with **Senate Bill No. 2109**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 2109 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 2109** be passed on third and final consideration, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes.....  | 95 |
| Noes ..... | 0  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 2145** -- Sunset Laws - Cancer reporting advisory committee, June 30, 2006. Amends TCA Title 4, Chapter 29, Title 68, Chapter 1. by \*Kernell, \*Garrett, \*Brooks. (\*SB2103 by \*Springer)

On motion, House Bill No. 2145 was made to conform with **Senate Bill No. 2103**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 2103 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2103 By deleting Section 1 in its entirety and by substituting instead the following:



SECTION 1. Tennessee Code Annotated, Section 4-29-222(a), is amended by adding the following as a new item thereto:

( ) Cancer reporting advisory committee, created by Section 68-1-1005;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 2103**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 2307** -- Public Contracts - Establishes procedure for selecting and negotiating contracts for architectural and engineering services; authorizes city, county or utility district having existing working relationship for architectural or engineering services to expand scope of services within technical competency of existing firm without exercising such procedures. Amends TCA Section 12-4-106. by \*Kent. (SB2613 by \*Haynes)

Rep. Kent moved that House Bill No. 2307 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2307 by deleting all language following the enacting clause, and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-4-106(a) is amended by designating the existing language as (a)(1), and by adding the following language to be designated as (a)(2):

(2) In the procurement of architectural and engineering services, the selection committee/procurement official may seek qualifications and experience data from any firm(s) licensed in Tennessee and interview said firm(s). The selection committee/procurement official shall evaluate statements of qualifications and experience data regarding the procurement of architectural and engineering services, and shall conduct discussions with firm(s) regarding the furnishing of required services and then shall select the firm deemed to be qualified to provide the services required.

The selection committee/procurement official shall negotiate a contract with the qualified firm for architectural and engineering services at compensation which the selection committee/procurement official determines to be fair and reasonable to the government. In making such determination, the selection committee/procurement official shall take into account the estimated value of the services to be rendered, the scope of work, complexity and professional nature thereof.

Should the selection committee/procurement official be unable to negotiate a satisfactory contract with the firm considered to be qualified, at a price determined to be fair and reasonable, negotiations will continue with other qualified firm(s) until an agreement is reached.

A city, county or utility district having a satisfactory existing working relationship for architectural or engineering services may expand the scope of the services, provided they are within the technical competency of the existing firm, without exercising the provisions of this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kent moved that **House Bill No. 2307**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|                              |    |
|------------------------------|----|
| Ayes .....                   | 92 |
| Noes .....                   | 0  |
| Present and not voting ..... | 2  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West,

Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Cooper, Fraley -- 2.

A motion to reconsider was tabled.

**House Bill No. 2658** -- Workers' Compensation - Applies reduction of gross premium taxes to workers' compensation pool. Amends TCA Section 56-4-210. by \*Cole (Dyer). (\*SB2713 by \*McNally)

Rep. Cole(Dyer) moved that House Bill No. 2658 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2658 By deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 56-4-210, is amended by adding the following new subsection:

(e) If a workers' compensation self-insurance pool established in Section 50-6-405(c) invests in excess of eighty percent (80%) of its assets (as determined by generally accepted accounting principles) as of December 31 of the preceding year, in Tennessee securities, such workers' compensation self-insurance pools' taxes on its gross premiums shall be reduced by an amount equal to fifty percent (50%) for the current year.

Any such workers' compensation self-insurance pool desiring to qualify for such credit or reduction shall report to the commissioner on or before March 1 of each year, the amount the pool had invested as of December 31 of the year preceding.

SECTION 2. The provisions of this act shall take effect on January 1, 1999, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Cole(Dyer) moved that **House Bill No. 2658**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 246** -- Animals - Creates Class E felony offense of aggravated cruelty to animals. Amends TCA Section 39-14-202. by \*West. (\*SB171 by \*Harper, \*Cohen, \*Fowler, \*Person, \*Harper)

On motion, House Bill No. 246 was made to conform with **Senate Bill No. 171**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 171 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 3.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 4.

Rep. Cross moved adoption of Conservation and Environment Committee Amendment No. 1 as House Amendment No. 5 as follows:

#### **Amendment No. 5**

AMEND Senate Bill No. 171 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-202(a)(1), is amended by deleting the language and punctuation "Tortures, maims" and by substituting instead the language "Maims".

SECTION 2. Tennessee Code Annotated, Section 39-14-202 is further amended by adding the following as new subsection (b) and by relettering the existing subsection (b) and subsequent subsections accordingly:

(b) A person commits the offense of aggravated cruelty who knowingly tortures any animal. The provisions of this subsection shall not apply to activities or conduct which is prohibited by Section 39-14-202(a)(5).

SECTION 3. Tennessee Code Annotated, Section 39-14-202, is further amended by adding the following new subsections thereto:

( ) Nothing in this section shall be construed as prohibiting the owner of birds used for commercial purposes or someone acting on behalf of such owner from engaging in customary practices to ensure that the commercial properties of such birds are maintained.

((1) It is the legislative intent that nothing in this section shall change, modify or amend in any way, any Title 70 fish and wildlife provision or any rule and regulation or proclamation promulgated pursuant thereto nor shall this section apply to or interfere with any conduct or activity permitted or regulated pursuant thereto such as hunting, fishing, possessing, taking, killing, eating or capturing fish and wildlife; except that this section shall apply to persons in possession of captive wildlife pursuant to Title 70, Chapter 4, Part 4 in situations where there are no conflicts with the live wildlife provisions or with any rules or regulations or proclamations promulgated pursuant thereto.

(2) Should any court of competent jurisdiction determine any provision of this section to be a change, modification or amendment to Title 70 or to any rule and regulation or proclamation promulgated pursuant thereto, or should the court determine there to be an interference with any activity or to any rule and regulation or proclamation promulgated pursuant thereto, or should the court determine there to be an interference with any activity or conduct as described in subdivision (a), such provision shall be unenforceable as applied thereto.

( ) In no way shall the provisions of this section apply to normal and customary agricultural practices such as breeding programs, research facilities or the production, marketing and disposal of farm animals, livestock or exotic animals, including but not limited to, poultry, fish, shellfish or any other agricultural commodity produced in the state.

( ) The provisions of this section shall not apply to activities or conduct that is prohibited by Sections 39-14-203 and 39-14-204.

SECTION 4. Tennessee Code Annotated, Section 39-14-202, is further amended by deleting the existing subsection (f) in its entirety and by substituting instead the following new subsection:

((f)(1) The first violation of subsection (a) and the second or subsequent violation of subsection (a)(5) is a Class A misdemeanor.

(2) A second or subsequent violation of subparts (a)(1), (2), (3), or (4) is a Class E felony. For the enhanced punishment for second or subsequent violations of subparts (a)(1), (2), (3), or (4) to apply, a conviction for a violation of such subparts must have occurred prior to commission of the second or subsequent violation.

(3) The first violation of subsection (b) is a Class A misdemeanor.

(4) A second or subsequent violation of subsection (b) is a Class E felony. For the enhanced punishment for second or subsequent violations of subsection (b) to apply, a conviction for a violation of subsection (b) must have occurred prior to commission of the second or subsequent violation.

SECTION 5. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 5 was adopted.

Rep. Jackson moved adoption of Amendment No. 6 as follows:

**Amendment No. 6**

AMEND Senate Bill No. 171 by adding the following new subsection to SECTION 3:

( ) The provisions of Tennessee Code Annotated, Section 39-14-210 shall not apply to a violation of this section. The provisions of this section shall be enforced in the same manner as other criminal offenses.

Rep. West moved that Amendment No. 6 be tabled, which motion failed.

On motion, Amendment No. 6 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. West moved that **Senate Bill No. 171**, as amended, be passed on third and final consideration, which motion failed by the following vote:

|                              |    |
|------------------------------|----|
| Ayes .....                   | 44 |
| Noes .....                   | 37 |
| Present and not voting ..... | 9  |

Representatives voting aye were: Armstrong, Arriola, Bird, Boner, Bowers, Boyer, Buck, Burchett, Chumney, Cross, Curtiss, DeBerry J., DeBerry L., Eckles, Ferguson, Garrett, Gunnels, Halteman-Harwell, Hassell, Jones S., Kent, Kernell, Kisber, McAfee, McMillan, Miller, Odom, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Sargent, Scroggs, Stamps, Stulce, Tindell, Turner (Hamilton), Walley, West, Williams, Windle -- 44.

**THURSDAY, APRIL 16, 1998 -- EIGHTY-FIFTH LEGISLATIVE DAY**

Representatives voting no were: Beavers, Bittle, Bone, Caldwell, Cole (Carter), Davidson, Davis, Fitzhugh, Ford, Fraley, Godsey, Goins, Haley, Head, Hicks, Hood, Huskey, Jackson, Kerr, Lewis, Maddox, McKee, Mumpower, Newton, Patton, Roach, Sands, Sharp, Tidwell, Towns, Walker (Blount), Walker (Rhea), Westmoreland, White, Whitson, Winningham, Wood -- 37.

Representatives present and not voting were: Brooks, Cole (Dyer), Cooper, Dunn, Fowlkes, McDonald, Pleasant, Turner (Shelby), Mr. Speaker Naifeh -- 9.

Having failed to receive a constitutional majority, Senate Bill No. 171 was rereferred to the Committee on Calendar & Rules.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**RULES SUSPENDED**

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 731 out of order, which motion prevailed.

**House Joint Resolution No. 731** -- General Assembly, Adjournment, Recess - Recesses the House of Representatives at the close of business of April 16, 1998 until 10:00 a.m. on April 22, 1998. by \*Hargrove, \*McDaniel.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

**MOTION TO ADOPT HOUSE SCHEDULE**

Rep. Hargrove moved that the House adopt the Revised House Weekly Schedule, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**Senate Joint Resolution No. 503** -- Naming and Designating - "Safe Driver Awareness Weeks.". by \*Gilbert, \*Cooper, \*Dixon.

Rep. Burchett moved to concur in Senate Joint Resolution No. 503.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Joint Resolution No. 503 By deleting in the second WHEREAS clause the language "71,00" and by substituting instead the language "71,000".

On motion, Amendment No. 1 was adopted.

Rep. Burchett moved to concur in **Senate Joint Resolution No. 503**, as amended, which motion prevailed.

**House Bill No. 2966** -- Real Property - Reduces, from one year to 90 days, period of redemption for property sold at tax sales in any county having charter form of government. Amends TCA Title 67, Chapter 5, Part 27. by \*Burchett, \*Armstrong, \*Tindell, \*Boyer, \*Dunn, \*Bittle. (\*SB2964 by \*Gilbert, \*Atchley)

Rep. Burchett requested that House Bill No. 2966 be moved to the heel of the Calendar.

**\*House Bill No. 2222** -- Purchasing - Increases amount of money that can be spent on informal purchases and small purchases; authorizes commissioner of general services to enter into cooperative purchasing agreements. Amends TCA Title 12, Chapter 3. by \*Sharp, \*McDaniel. (SB2237 by \*Fowler, \*Atchley)

On motion, House Bill No. 2222 was made to conform with **Senate Bill No. 2237**; the Senate Bill was substituted for the House Bill.

Rep. Sharp moved that Senate Bill No. 2237 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2237 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The comptroller of the treasury shall report to the governor and the general assembly as soon as practicable after the provisions of this act have been in effect for one (1) year on the impact the provisions of this act have had upon state government and state government vendors.

On motion, Amendment No. 1 was adopted.

Rep. Sharp moved that **Senate Bill No. 2237**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|                              |    |
|------------------------------|----|
| Ayes.....                    | 94 |
| Noes .....                   | 1  |
| Present and not voting ..... | 1  |



Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Brooks -- 1.

Representatives present and not voting were: Cooper -- 1.

A motion to reconsider was tabled.

**House Bill No. 3019** -- Unemployment Compensation - Disqualifies claimant from receiving unemployment benefits if such claimant was discharged for placing claimant's employer in violation of Fair Labor Standards Act. Amends TCA Section 50-7-303. by \*Pinion. (\*SB2606 by \*Herron)

On motion, House Bill No. 3019 was made to conform with **Senate Bill No. 2606**; the Senate Bill was substituted for the House Bill.

Rep. Pinion moved that Senate Bill No. 2606 be passed on third and final consideration.

On motion, Rep. West withdrew Consumer & Employee Affairs Committee Amendment No. 1.

Rep. Pinion moved that **Senate Bill No. 2606** be passed on third and final consideration, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes.....  | 94 |
| Noes ..... | 0  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2173** -- Sunset Laws - Advisory committee for children's special services, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 12. by \*Kernell, \*Garrett, \*Brooks. (\*SB2111 by \*Springer)

On motion, House Bill No. 2173 was made to conform with **Senate Bill No. 2111**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 2111 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 2111** be passed on third and final consideration, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes.....  | 94 |
| Noes ..... | 0  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*House Bill No. 2537** -- Lobbying, Lobbyists - Exempts unpaid lobbyists from paying occupational privilege tax. Amends TCA Sections 3-6-104 and 3-6-113. by \*Kernell. (SB2894 by \*Henry, \*Crowe, \*Jordan)

On motion, House Bill No. 2537 was made to conform with **Senate Bill No. 2894**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 2894 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 2894** be passed on third and final consideration, which motion prevailed by the following vote:

|                              |    |
|------------------------------|----|
| Ayes.....                    | 94 |
| Noes .....                   | 0  |
| Present and not voting ..... | 1  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: McAfee -- 1.

A motion to reconsider was tabled.

**House Bill No. 2150** -- Sunset Laws - State certification program, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 5. by \*Kernell, \*Garrett, \*Brooks. (\*SB2120 by \*Springer)

Rep. Kernell moved that House Bill No(s). 2150 be reset for the Regular Calendar on April 23, 1998, which motion prevailed.

**House Bill No. 2965** -- DUI/DWI Offenses - Requires court to order use of ignition interlock device on person's vehicle when such person convicted of DUI, or pending trial on a DUI charge if person refused breath test or tested .10 percent or above. Amends TCA Title 55, Chapter 10. by \*Robinson, \*Arriola, \*West, \*Ferguson, \*Mumpower, \*Beavers, \*Garrett, \*Jones, S., \*Cross, \*Godsey, \*Caldwell, \*Bone, \*Halteman Harwell. (\*SB3122 by \*Henry)

Rep. Robinson moved that House Bill No. 2965 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

#### **Amendment No. 1**

AMEND House Bill No. 2965 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-412, is amended by deleting subsection (d) and by substituting instead the following:

(d)(1) In addition to the penalties authorized for violations of this part, if a restricted license is to be issued to an offender, a court shall order a person to operate a motor vehicle that is equipped with a functioning ignition interlock device as a condition of the disposition of a person's case whose breath alcohol content is fifteen one hundredths of one percent (.15%) or greater, or if such person had refused to take the

breath alcohol test, and the person is convicted for a first time violation of § 55-10-401. In addition, a court may, in its discretion, upon finding a person whose breath alcohol content is less than fifteen one hundredths of one percent (.15%), both financially able to afford an ignition interlock device and also guilty of violating the provisions of §§ 55-10-4-401-- 55-10-404, order the person to operate only a motor vehicle with a functioning ignition interlock device.

(2) A court, pursuant to this section, shall order a person to operate a motor vehicle that is equipped with a functioning ignition interlock device for the period of revocation of such person's driver license.

(3) If during the period of interlock use the court finds the person violated the terms of the order for proper use of an ignition interlock device, the court may, in addition to any other penalties available to it under law, order the department to revoke the restricted operator's license.

(4) As used in this section, "ignition interlock device" means a device which is hard-wired and soldered and covered with a proprietary seal into the ignition system of a motor vehicle, preventing the motor vehicle from starting if a driver's breath alcohol level exceeds two and one-half hundredths of one percent (.025%).

(5) Such interlock device shall be specific to the detection of alcohol, and must meet the standards set forth in guidelines for ignition interlock devices published on April 7, 1992 in the Federal Register, and as the same may be from time to time subsequently amended, and shall be capable of providing a rolling retest. Any device used shall be certified by the department of safety to meet these technical specifications. The department of safety shall have the responsibility for establishing a statewide contract(s) for the provision of equipment, installation, monitoring, calibration and other services by an approved service provider of such devices, paid for by persons ordered by the court to install an ignition interlock device. The statewide contract(s) shall be established through a competitive process pursuant to Tennessee Code Annotated, Section 12-4-109.

(6) Any person or entity contracted with by the department of safety who installs, monitors, services and calibrates such device shall be known as an approved service provider and must demonstrate to the department evidence of adequate insurability for product liability and casualty loss for any liability occasioned by the malfunctioning of an interlock device.

(7) An approved service provider shall report any violations under Section 55-10-412 related to the proper use of a device by a person required to use an ignition interlock device to the sentencing court, probation officer, or to the designated treatment agency, as the court directs.

(8) An approved service provider must be able to provide installation, monitoring, calibration, and service to any person required to install an ignition interlock device under this section. An approved service provider must be capable of providing fixed service locations in any municipality with a population of two hundred fifty thousand (250,000) or greater, and provide such mobile service to the remainder of the state such that no person shall be required to travel more than one (1) hour to obtain service.

(9) Any approved service provider must provide a credit of two percent (2%) of its total revenues each month from interlock usage in this state to be used in the discretion of the court as an indigency credit against the charges for those persons whom the court determines cannot pay the total amount of fees for interlock use in this state.. The credit shall not be cumulative, but shall apply only for the month following the collection of the revenues.

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it and shall apply to all violations of the provisions of Tennessee Code Annotated, Section 55-10-401 occurring on or after such date.

Rep. Miller moved the previous question on Amendment No. 1, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Ritchie moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2965 by inserting the language ", absent good cause shown," between the word "shall" and the word "order" in subsection (d)(1) of SECTION 1.

AND FURTHER AMEND by deleting the language ", or if such person has refused to take the breath alcohol test," from subsection (d)(1) of SECTION 1.

AND FURTHER AMEND by deleting the language "A court, pursuant to this section," from subsection (d)(2) of SECTION 1 and by substituting instead the language "If the court orders a person to operate a motor vehicle that is equipped with a functioning ignition interlock device, pursuant to subsection (d)(1), then the court".

AND FURTHER AMEND by deleting the second, third and fourth sentences in their entirety from subsection (d)(5) of SECTION 1.

AND FURTHER AMEND by deleting subsection (d)(6) of SECTION 1 in its entirety and by redesignating subsequent subdivisions accordingly.

AND FURTHER AMEND by deleting the language "approved service provider" wherever it appears, and by substituting instead the language "interlock service provider".

Rep. Robinson moved that the question be divided on Amendment No. 2.

Rep. Ritchie requested that House Bill No. 2965 be moved to the heel of the Calendar.

**\*House Bill No. 3286** -- Custody and Support - Authorizes court to enforce orders of visitation through license denial and revocation. Amends TCA Title 36, Chapter 6. by \*Patton, \*Bowers, \*McMillan, \*Ford S, \*Hood, \*Haley, \*Kerr, \*DeBerry J, \*Turner (Shelby), \*Beavers, \*Kernell, \*McDonald, \*Bone, \*Jones U (Shelby), \*Williams (Williamson), \*Pinion, \*Ridgeway. (SB3274 by \*Henry)

Rep. Patton moved that House Bill No. 3286 be passed on third and final consideration.

Rep. Turner(Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3286 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 6, is amended by adding Sections 2 through 13 as a new, appropriately designated part:

SECTION 2. As used in this part, unless the context otherwise requires:

(1) "License" means a license, certification, registration, permit, approval or other similar document issued to an individual evidencing admission to or granting authority to engage in a profession, trade, occupation, business, or industry, to hunt or fish, or to operate any motor vehicle or other conveyance, but does not include a license to practice law unless the supreme court establishes guidelines pursuant to Section 12 making the provisions of this part applicable to such license;

(2) "Licensee" means any individual holding a license, certification, registration, permit, approval, or other similar document evidencing admission to or granting authority to engage in a profession, trade, occupation, business, or industry, to hunt or fish, or to operate any motor vehicle or other conveyance; "licensee" does not include an attorney only with respect to the attorney's license to practice law unless the supreme court establishes guidelines pursuant to Section 12 making the provisions of this part applicable to such license;

(3) "Licensing authority" means the board, commission, or agency, including the department of safety, which has been established by statute or state regulation to oversee the issuance and regulation of any license. Excluded from this definition is the supreme court, unless the supreme court acts in accordance with Section 12, and any licensing authority established solely by the action and authority of a county or municipal government;

(4) "Not in compliance with an order of visitation" means that one parent has intentionally interfered with implementation of a schedule of court ordered visitation on two (2) or more occasions in any six (6) month period;

(5) "Order of visitation" means any order granting a non-custodial parent the right to visit with such parent's child on days and times determined by the court.

SECTION 3. (a) In all cases where visitation is ordered, both parents shall comply with such order of visitation by turning over custody of the child to the non-custodial parent on the days and at the times so ordered by the court and by picking up the child and returning the child to the custodial parent on the days and at the times so ordered by the court.

(b) An order of visitation may be enforced by using the license revocation, denial or suspension procedures provided in this part and any other sanctions deemed appropriate by the court.

SECTION 4. (a) A parent, who has been victimized by the other parent's intentional violation of Section 3 (a) on two (2) or more occasions in any six (6) month period, may petition the court having jurisdiction over the order of visitation for a finding that the other parent is not in compliance with an order of visitation; provided, however, prior to the most recent violation, the victimized parent must have notified by certified mail, return receipt requested, the other parent that subsequent violations of the court ordered visitation shall be subject to sanctions authorized by this act and a copy of such notification must have been filed with the court. The petitioner shall include within the petition any information concerning a license held by the other parent and covered by Section 12. Upon receiving such petition, the court shall serve upon the other parent a notice that informs such parent of the court's intention to submit such parent's name to the appropriate licensing authority as a licensee who is not in compliance with an order of visitation. Such notice shall state that:

(1) The parent may request a hearing to contest the issue of compliance;

(2) A request for a hearing must be made in writing and must be received by the court within twenty (20) days of service;

(3) If such parent requests a hearing within twenty (20) days of service, the court shall stay the proceedings to certify such parent to any appropriate licensing authority for noncompliance with an order of visitation pending a decision after the hearing;

(4) If the court finds that such parent is not in compliance with an order of visitation and such parent does not request a hearing within twenty (20) days of service, the court may certify such parent to any appropriate licensing authority for noncompliance with a court order of visitation; and

(5) If the court certifies such parent to a licensing authority for noncompliance with an order of visitation, the licensing authority, notwithstanding any provision of law to the contrary, must deny a renewal request, revoke such parent's license or refuse to issue or reinstate a license, as the case may be, until such parent provides the licensing authority with a release from the court pursuant to Section 9 that states such parent is in compliance with the order of visitation.

(b) The notice sent pursuant to this section shall also include a statement informing such parent of the need to obtain a release from the court in order to allow such parent's license to be issued, renewed or reinstated. The notice shall be served by certified mail, return receipt requested, or by personal service with an affidavit of service completed by an authorized process server.

SECTION 5. (a) If a parent requests a hearing pursuant to this part to contest the court's intention to issue a finding of noncompliance to a licensing authority, the court shall conduct the hearing only to determine:

(1) Whether the licensee is a parent subject to an order of visitation;

(2) Whether the licensee is not in compliance with an order of visitation; and

(3) Whether good cause exists to impose the licensing sanctions provided for in this part.

(b) The parties may enter into a consent order wherein the parent in violation agrees to henceforth comply with the order of visitation. Upon entry of such an order the proceedings for licensing sanctions shall be further stayed unless there is noncompliance with the consent order. In the event of noncompliance with the consent order, the stay shall cease and the court shall certify to each licensing authority which licenses the parent that such parent is not in compliance with an order of visitation. Entry of such consent order shall constitute a waiver of such parent's right to any hearing on the issue of noncompliance with an order of visitation



based upon the notice of noncompliance for which the consent order has been entered.

(c) The cost of this action and reasonable attorney's fees shall be taxed to the parent who is not in compliance with an order of visitation. The cost of this action and reasonable attorney's fees shall be assessed against any parent who, in bad faith, petitions the court for imposition of sanctions pursuant to this act.

SECTION 6. (a) If a parent timely requests a hearing to contest the issue of compliance, the court shall stay the action and may not certify the name of such parent to any licensing authority for noncompliance with an order of visitation until the court issues a written decision after a hearing that finds such parent is not in compliance with an order of visitation, provided, that after a decision by the court has been made in the form of a final order as provided in § 4-5-315, there will be no further stay unless a reviewing court issues a stay.

(b) The court shall issue its decision after hearing without undue delay. The decision must inform both parents that the other parent may file an appeal of the decision within thirty (30) days of the date of the decision. The court shall send an attested copy of the decision to the parents by regular mail to each parent's most recent address of record and to any attorney representing the parent in connection with the hearing under this part. A certification concerning the status of a license shall be automatically stayed pending disposition of an appeal.

(c) Upon a finding of noncompliance, the court may also allocate additional time with the child to the non-offending parent.

(d) Notwithstanding any law to the contrary, the court shall assess costs of an unsuccessful appeal of notice of noncompliance to the parent in non-compliance.

SECTION 7. The court may certify in writing or by electronic data exchange to each licensing authority which licenses the offending parent that the parent is not in compliance with an order of visitation if:

(1) Such parent does not timely request a hearing upon service of notice issued under Section 4;

(2) Such parent has not entered into a consent order as provided for in Section 5, or having entered into such an order, has failed to comply with such order;

(3) The court issues a decision after a hearing pursuant to this part that finds such parent is not in compliance with an order of visitation; or

(4) In any proceeding to enforce any provision of an order of visitation, the court finds a parent to be not in compliance with the order of visitation and the other parent specifically prayed for relief in the form of license revocation, denial or suspension.

SECTION 8. (a) Notwithstanding any other law, rule or regulation to the contrary, the certification from the court under Section 7 shall be a basis for the denial, suspension or revocation of a license, or for refusal to issue, renew, or reinstate a license by a licensing authority.

(b) The licensing authority shall notify, without undue delay, by regular mail, a parent certified from the court under Section 7, that the parent's application for the issuance, renewal or reinstatement of a license has been denied or that the parent's current license has been suspended or revoked because the parent's name has been certified by the court as a parent who is not in compliance with an order of visitation.

(c) A notice of suspension shall specify the reason and statutory grounds for the suspension and the effective date of the suspension and may include any other notices prescribed by the licensing authority. The notice shall also inform the individual that in order to apply for issuance, renewal or reinstatement of the license, the individual shall obtain a release from the court in accordance with Section 9.

(d) If a licensing authority fails to deny, suspend or revoke a license when so ordered by a court pursuant to this part, the other parent may petition the court to compel the authority's compliance and may seek any appropriate sanctions against such authority.

SECTION 9. (a) When a parent who is served notice under Section 4, or whose license was otherwise revoked, denied or suspended by order of the court, complies with the order of visitation, the court shall provide the licensing authority with written or electronic data exchange confirmation that the parent is in compliance with the order and issue a release to the parent. For purposes of lifting the licensing sanctions pursuant to this section, a parent will be considered in compliance with an order of visitation upon fully complying with such order for the next four (4) consecutive scheduled visitation periods after the finding by the court of noncompliance.

(b)(1) Upon receipt of the release from the court, the licensing authority shall issue or extend the parent's license, or withdraw any denial, revocation or suspension of the parent's license provided that all other applicable licensing requirements are met by the parent. If all other applicable licensing requirements are met by the parent, the parent shall not, however, be required to be re-tested or re-certified for a license which was valid and which was held in good standing by the parent, or for which the parent had been determined otherwise eligible by the licensing authority to receive, prior to the revocation or suspension or denial of

such license pursuant to this part, and which license was revoked, suspended or denied solely pursuant to the provisions of this part.

(2) If, after the revocation, suspension or denial of the license, and before the date on which the next periodic licensing would be due, the license is restored or issued by the licensing authority due to a release, the parent shall not be required to pay a new periodic license fee for the period remaining before the next periodic licensing fee would be due; provided, the licensing authority may impose a reasonable reinstatement fee not to exceed five dollars (\$5.00) for processing of the restoration or issuance of the license at any time.

SECTION 10. The various licensing authorities shall cooperate with the court in any manner necessary to effectuate this part, and the court and the various licensing authorities shall enter into any necessary agreements to carry out the purposes of this part.

SECTION 11. Nothing in this part prohibits a custodial or non-custodial parent from filing a motion with the court to modify an order of visitation or a custody order.

SECTION 12. (a) In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as prescribed by law, rule or regulation issued under the provisions of titles 43, 44, 45, 55, 56, 62, 63, 68, 70 or 71, for an individual to engage in a profession, trade, occupation, business, or industry, to hunt or fish, or to operate any motor vehicle or other conveyance, applicants for licensure, certification or registration, and licensees renewing their licenses, and existing licensees, must not then be subject to a certification that the licensee is not in compliance with an order of visitation.

(b) The supreme court is encouraged to establish guidelines to suspend the license of an attorney who fails to comply with an order of visitation.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Patton moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 3286 by deleting the third sentence of Section 4 and substituting instead the following language:

A notice shall be served on the other parent along with the petition.

AND FURTHER AMEND by deleting the second and third sentences of Section 6(b) and substituting instead the following language:

The order must inform both parents that either party may file an appeal of the decision within thirty (30) days of the date of the decision.

On motion, Amendment No. 2 was adopted.

Rep. Patton moved that **House Bill No. 3286**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|                              |    |
|------------------------------|----|
| Ayes .....                   | 92 |
| Noes .....                   | 1  |
| Present and not voting ..... | 2  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Sands, Winningham -- 2.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to present not voting on House Bill 3286 and have this statement entered in the Journal: Rep(s). Kernell.

#### RULES SUSPENDED

Rep. Ridgeway moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 733 out of order, which motion prevailed.

**House Joint Resolution No. 733** -- Memorials, Recognition and Thanks - Byron Gallimore. by \*Ridgeway.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Ridgeway, the resolution was adopted.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

**House Bill No. 2681** -- General Services, Dept. of - Makes authorized donees under federal surplus property program eligible for state surplus property. Amends TCA Section 12-2-403 and Section 12-4-207. by \*Boyer. (\*SB2927 by \*Atchley, \*Dixon)

On motion, House Bill No. 2681 was made to conform with **Senate Bill No. 2927**; the Senate Bill was substituted for the House Bill.

Rep. Boyer moved that **Senate Bill No. 2927** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 92  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**\*House Bill No. 2897** -- Custody and Support - Sets standards for custodial parent proposing to relocate with child. Amends TCA Title 36, Chapter 6. by \*McMillan. (SB3141 by \*Haynes)

Rep. Bowers moved that House Bill No. 2897 be passed on third and final consideration.

Rep. Turner(Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2897 by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 6, Part 1, is amended by adding the following new section:

Section 36-6-1\_\_\_.

(a) If a parent who is spending intervals of time with a child desires to relocate outside the state or more than one hundred fifty (150) miles from the other parent within the state, the relocating parent shall send a notice to the other parent at the other parent's last known address by registered or certified mail. Unless excused by the court for exigent circumstances, the notice shall be mailed not later than sixty (60) days prior to the move. The notice shall contain the following:

- (1) statement of intent to move;
- (2) location of proposed new residence;
- (3) reasons for proposed relocation; and
- (4) statement that the other parent may file a petition in opposition to the move within thirty (30) days of receipt of the notice.

(b) Unless the parents can agree on a new visitation schedule, the relocating parent shall file a petition seeking to alter visitation. The court shall consider all relevant factors, including those factors enumerated within subsection (d) below. The court shall also consider the availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent. The court shall assess the costs of transporting the child for visitation and determine whether a deviation from the child support guidelines should be considered in light of all factors including, but not limited to, additional costs incurred for transporting the child for visitation.

(c) If the parents are actually spending substantially equal intervals of time with the child and the relocating parent seeks to move with the child, the other parent may, within thirty (30) days of receipt of notice, file a petition in opposition to removal of the child. No presumption in favor of or against the request to relocate with the child shall arise. The court shall determine whether or not to permit relocation of the child based upon the best interests of the child. The courts shall consider all relevant factors including the following where applicable:

The extent to which visitation rights have been allowed and exercised;

Whether the primary residential parent, once out of the jurisdiction, is likely to comply with any new visitation arrangement;

The love, affection and emotional ties existing between the parents and child;

(4) The disposition of the parents to provide the child with food, clothing, medical care, education and other necessary care and the degree to which a parent has been the primary caregiver;

(5) The importance of continuity in the child's life and the length of time the child has lived in a stable, satisfactory environment;

(6) The stability of the family unit of the parents;

(7) The mental and physical health of the parents;

(8) The home, school and community record of the child;

(9) The reasonable preference of the child if twelve (12) years of age or older. The court may hear the preference of a younger child upon request. The preferences of older children should normally be given greater weight than those of younger children;

(10) Evidence of physical or emotional abuse to the child, to the other parent or to any other person; and

(11) The character and behavior of any other person who resides in or frequents the home of a parent and such person's interactions with the child.

(d) If the parents are not actually spending substantially equal intervals of time with the child and the parent spending the greater amount of time with the child proposes to relocate with the child, the other parent may, within thirty (30) days of receipt of the notice, file a petition in opposition to removal of the child. The other parent may not attempt to relocate with the child unless expressly authorized to do so by the court pursuant to a change of custody or primary custodial responsibility. The parent spending the greater amount of time with the child shall be permitted to relocate with the child unless the court finds:

(1) The relocation does not have a reasonable purpose; or

(2) The relocation would pose a threat of specific and serious harm to the child which outweighs the threat of harm to the child of a change of custody; or

(3) The parent's motive for relocating with the child is vindictive in that it is intended to defeat or deter visitation rights of the non-custodial parent or the parent spending less time with the child.

Specific and serious harm to the child shall include, but is not limited to, the following:

(1) If a parent wishes to take a child with a serious medical problem to an area where no adequate treatment is readily available;

(2) If a parent wishes to take a child with specific educational requirements to an area with no acceptable education facilities;

(3) If a parent wishes to relocate and take up residence with a person with a history of child or domestic abuse or who is currently abusing alcohol or other drugs;

(4) If the child relies on the parent not relocating who provides emotional support, nurturing and development such that removal would result in severe emotional detriment to the child;

(5) If the custodial parent is emotionally disturbed or dependent such that he or she is not capable of adequately parenting the child in the absence of support systems currently in place in this state, and such support system is not available at the proposed relocation site; or

(6) If the proposed relocation is to a foreign country whose public policy does not normally enforce the visitation rights of non-custodial parents, which does not have an adequately functioning legal system or which otherwise presents a substantial risk of specific and serious harm to the child.

(e) If the court finds one (1) or more of the grounds designated in subsection (d), the court shall determine whether or not to permit relocation of the child based on the best interest of the child. If the court finds it is not in the best interests of the child to relocate as defined herein, but the parent with whom the child resides the majority of the time elects to relocate, the court shall make a custody determination and shall consider all relevant factors including the following where applicable:

(1) The extent to which visitation rights have been allowed and exercised;



(2) Whether the primary residential parent, once out of the jurisdiction, is likely to comply with any new visitation arrangement;

(3) The love, affection and emotional ties existing between the parents and child;

(4) The disposition of the parents to provide the child with food, clothing, medical care, education and other necessary care and the degree to which a parent has been the primary caregiver;

(5) The importance of continuity in the child's life and the length of time the child has lived in a stable, satisfactory environment;

(6) The stability of the family unit of the parents;

(7) The mental and physical health of the parents;

(8) The home, school and community record of the child;

(9) The reasonable preference of the child if twelve (12) years of age or older. The court may hear the preference of a younger child upon request. The preferences of older children should normally be given greater weight than those of younger children;

(10) Evidence of physical or emotional abuse to the child, to the other parent or to any other person; and

(11) The character and behavior of any other person who resides in or frequents the home of a parent and such person's interactions with the child.

The court shall consider the availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent. The court shall assess the costs of transporting the child for visitation and determine whether a deviation from the child support guidelines should be considered in light of all factors including, but not limited to, additional costs incurred for transporting the child for visitation.

(f) Nothing in this section shall prohibit either parent from petitioning the court at any time to address issues other than a change of custody related to the move. In the event no petition in opposition to a proposed relocation is filed within thirty (30) days of receipt of the notice, the parent proposing to relocate with the child shall be permitted to do so.

(g) It is the legislative intent that the gender of the parent who seeks to relocate for the reason of career, educational, professional, or job opportunities, or otherwise, shall not be a factor in favor or against the relocation of such parent with the child.

On motion, Amendment No. 1 was adopted.

Rep. Bowers moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Bowers moved that **House Bill No. 2897**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 94 |
| Noes ..... | 0  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*House Bill No. 613** -- Local Education Agency - Empowers local board of education to contract with another entity to operate alternative schools. Amends TCA Section 49-2-203. by \*Williams (Williamson), \*Sargent. (SB875 by \*Jordan)

Rep. Williams moved that House Bill No. 613 be passed on third and final consideration.

Rep. Winningham moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 613 by deleting the words "or with private enterprise" in the amendatory language in Section 1 of the printed bill.

On motion, Amendment No. 1 was adopted.

Rep. Williams moved that **House Bill No. 613**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 0  
Present and not voting ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

**House Bill No. 2340** -- Public Records - Clarifies that claim for and amount of compensation paid to attorney appointed by court to represent indigent is public record Amends TCA Title 40, Chapter 14, by \*Burchett. (\*SB2418 by \*McNally, \*Gilbert)

On motion, House Bill No. 2340 was made to conform with **Senate Bill No. 2418**; the Senate Bill was substituted for the House Bill.

Rep. Burchett moved that Senate Bill No. 2418 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2418 by deleting the amendatory language of Section 1 and substituting instead the following:

( ) Before and during the trial of a criminal matter, the cover sheets that reflect the total fees and expenses paid to defense counsel and that reflect the total amount paid for expert services from public funds for the use in representing an indigent criminal defendant or prosecuting a criminal defendant are a public record. In addition, a record of the total amount paid to an expert from public funds is a public record if such expert has offered evidence and is known to the public because of testimony on the record. Before and during the trial of a criminal matter, detailed attorney fees and expense claims, motions and orders dealing with the authorization of expert services, and detailed time sheets of undisclosed experts shall be sealed and unavailable for public inspection.

On motion, Amendment No. 1 was adopted.

Rep. Burchett moved that **Senate Bill No. 2418**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 95 |
| Noes ..... | 0  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 2682** -- Appeal and Review - Removes option for filing judicial appeal of state board of equalization decisions in Davidson County; requires appeal in county where assessment was made. Amends TCA Section 67-5-1511(b). by \*Phelan, \*Cole (Carter). (\*SB2552 by \*Crowe)

Rep. Cole(Carter) moved that House Bill No(s). 2682 be reset for the Regular Calendar on April 22, 1998, which motion failed.

Rep. Hargrove moved that House Bill No(s). 2682 be reset for the Regular Calendar on April 22, 1998, which motion prevailed.

**\*House Bill No. 2725** -- Liens - Expands requirement for police department to notify lienholder when vehicle taken into custody, to also require any law enforcement agency to notify lienholder when vehicle taken into custody and transferred to garagekeeper or towing firm . Amends TCA Title 40; Title 53; Title 55 and Title 66. by \*Sharp. (SB3120 by \*Springer, \*Crutchfield)

Further consideration of House Bill No. 2725 previously considered on April 15, 1998, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

Rep. Sharp moved that House Bill No. 2725 be passed on third and final consideration.

Rep. Sharp moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2725 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-16-105, is amended by adding the following language as a new, appropriately designated subsection:

( ) In addition to the notification requirements of subsection (a), any garagekeeper or towing firm, which has in its possession an abandoned, immobile or unattended motor vehicle taken into custody by a police department and in whose possession such vehicle was lawfully placed by the police department, shall, within fifteen (15) days of receiving possession of such vehicle, provide notice to the last known registered owner of the motor vehicle and all lienholders of record. All notification requirements included in subsection (a) shall apply to the notice required to be provided by a garagekeeper or towing firm pursuant to this act.

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Sharp moved that **House Bill No. 2725**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*Senate Bill No. 342 -- Workers' Compensation - Makes removal of safety device or warning where person is injured or killed Class A misdemeanor. Amends TCA Title 39, Chapter 17, Part 1. by \*Haynes. (HB1783 by \*Odom)**

Further consideration of Senate Bill No. 342 previously considered on today's Calendar.

Rep. Odom moved that Senate Bill No. 342, as amended, be passed on third and final consideration.

Rep. Tidwell moved adoption of Amendment No. 9 as follows:

**Amendment No. 9**

AMEND Senate Bill No. 342 by designating the existing amendatory language of subsection (a) as subsection (a)(1) and by adding the following language to be designated as (a)(2):

(2) It is not an offense to knowingly and intentionally remove, disconnect, alter or cause to have removed, disconnected or altered a warning, guard or other safety device under the provisions of subdivision (1) if such warning, guard or other safety device is removed, disconnected or altered:

(A) in order to utilize the machine, tool or other implement for a purpose other than the original design or purpose of the machine, tool or other implement; or

(B) to replace the warning, guard or other safety device with an improved or safer warning, guard or other safety device.

On motion, Amendment No. 9 was adopted.

Rep. Sharp moved the previous question, which motion prevailed.

Rep. Odom moved that **Senate Bill No. 342**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|                              |    |
|------------------------------|----|
| Ayes .....                   | 64 |
| Noes .....                   | 22 |
| Present and not voting ..... | 6  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bowers, Brooks, Buck, Burchett, Chumney, Cole (Carter), Cross, Curtiss, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Ford, Fowlkes, Givens, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McKee, McMillan, Miller, Newton, Odom, Patton, Phillips, Pinion, Pruitt, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sargent, Scroggs, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), West, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Bird, Bittle, Bone, Caldwell, Eckles, Fitzhugh, Fraley, Godsey, Gunnels, Head, Hicks, Hood, Maddox, McDonald, Mumpower, Sands, Sharp, Tidwell, Walker (Rhea), Walley, Westmoreland, White -- 22.

Representatives present and not voting were: Boyer, Cooper, Davidson, Goins, Jackson, Rhinehart -- 6.

A motion to reconsider was tabled.

**THURSDAY, APRIL 16, 1998 -- EIGHTY-FIFTH LEGISLATIVE DAY**

**House Bill No. 3203** -- Criminal Offenses - Redefines "lewdness" to include indecent exposure. Amends TCA Section 29-3-101. by \*Dunn, \*Burchett, \*Bone, \*West, \*Haley, \*Pleasant. (\*SB1610 by \*Jordan)

Further consideration of House Bill No. 3203 previously considered on today's Calendar.

Rep. Dunn moved that House Bill No(s). 3203 be reset for the Regular Calendar on April 22, 1998, which motion prevailed.

**House Bill No. 2966** -- Real Property - Reduces, from one year to 90 days, period of redemption for property sold at tax sales in any county having charter form of government. Amends TCA Title 67, Chapter 5, Part 27. by \*Burchett, \*Armstrong, \*Tindell, \*Boyer, \*Dunn, \*Bittle. (\*SB2964 by \*Gilbert, \*Atchley)

Further consideration of House Bill No. 2966 previously considered on today's Calendar.

Rep. Burchett moved that House Bill No(s). 2966 be reset for the Regular Calendar on April 22, 1998, which motion prevailed.

**House Bill No. 2965** -- DUI/DWI Offenses - Requires court to order use of ignition interlock device on person's vehicle when such person convicted of DUI, or pending trial on a DUI charge if person refused breath test or tested .10 percent or above. Amends TCA Title 55, Chapter 10. by \*Robinson, \*Arriola, \*West, \*Ferguson, \*Mumpower, \*Beavers, \*Garrett, \*Jones, S., \*Cross, \*Godsey, \*Caldwell, \*Bone, \*Halteman Harwell. (\*SB3122 by \*Henry)

Further consideration of House Bill No. 2965 previously considered on today's Calendar at which time the House adopted Amendment No. 1, was on the motion to adopt Amendment No. 2 and the motion to divide the question on Amendment No. 2.

Rep. Robinson moved that House Bill No. 2965, as amended, be passed on third and final consideration.

Rep. Robinson moved to divide the question on Amendment No. 2.

Rep. Head moved that the motion to divide the question on Amendment No. 2 be tabled, which motion failed by the following vote:

|            |    |
|------------|----|
| Ayes.....  | 39 |
| Noes ..... | 42 |

Representatives voting aye were: Armstrong, Bittle, Bone, Bowers, Boyer, Burchett, Chumney, Cole (Dyer), Cooper, Davidson, DeBerry L., Eckles, Fitzhugh, Givens, Gunnels, Hargrove, Head, Hicks, Hood, Kisber, Lewis, McKee, McMillan, Miller, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sharp, Stulce, Tindell, West, Westmoreland, White, Whitson, Williams, Wood -- 39.

Representatives voting no were: Arriola, Bird, Brooks, Buck, Caldwell, Cole (Carter), Cross, Curtiss, Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Halteman-Harwell, Hargett, Hassell, Jackson, Jones S., Kent, Kernell, Kerr, Maddox, McAfee, McDaniel, McDonald, Odom, Patton, Phillips, Pinion, Pruitt, Sargent, Scroggs, Stamps, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, Windle -- 42.

Rep. Robinson moved division 1 of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2965 by inserting the language 'absent good cause shows,' between the word "shall" and the word "order" in subsection (d)(1) of SECTION 1.

Rep. Head moved that House Bill No. 2965 be rereferred to the Judiciary Committee.

Rep. Kisber moved the previous question on the motion to rerefer to the Judiciary Committee, which motion prevailed.

Rep. Head moved that House Bill No. 2965 be rereferred to the Judiciary Committee which motion prevailed by the following vote:

|                              |    |
|------------------------------|----|
| Ayes .....                   | 63 |
| Noes .....                   | 15 |
| Present and not voting ..... | 4  |

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bowers, Boyer, Brooks, Burchett, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fraley, Givens, Goins, Gunnels, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kerr, Kisber, Lewis, Maddox, McKee, McMillan, Miller, Newton, Patton, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Walker (Blount), Walker (Rhea), Westmoreland, White, Whitson, Windle, Wunningham -- 63.

Representatives voting no were: Bone, Buck, Dunn, Halteman-Harwell, Hargett, Kernell, McAfee, McDaniel, McDonald, Sharp, Stamps, Turner (Shelby), Walley, West, Wood -- 15.

Representatives present and not voting were: Caldwell, Fowlkes, Odom, Turner (Hamilton) -- 4.

A motion to reconsider was tabled.



UNFINISHED BUSINESS

RULES SUSPENDED

Rep. West moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 660 out of order, which motion prevailed.

**Senate Joint Resolution No. 660** -- Memorials, Personal Occasion - Senator John Hicks and Peggy Hicks, 50th wedding anniversary. by \*Henry.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. West, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

|            |    |
|------------|----|
| Ayes.....  | 91 |
| Noes ..... | 0  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Wood moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 685 out of order, which motion prevailed.

**House Joint Resolution No. 685** -- Naming and Designating - "Better Speech and Hearing Month," May 1998. by \*Wood, \*McAfee, \*Sharp, \*Stulce, \*Turner (Hamilton), \*Brown.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Wood, the resolution was adopted.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Kisber moved to suspend the rules to allow House Bill No. 2804 to be heard in Budget Subcommittee next week, which motion prevailed

**BILL RECALL REQUESTED**

Rep. Hood moved to recall House Bill No. 3154 from the Governor's desk, which motion prevailed.

**RESOLUTION ADDED TO COMMITTEE CALENDAR**

Rep. Robinson moved to place House Joint Resolution No. 734 on the Calendar for next week's Transportation Committee Meeting, which motion prevailed.

**BILL RECALL REQUESTED**

Rep. Bowers moved to recall Senate Bill No. 2823 from the Senate, which motion prevailed.

**RULES SUSPENDED**

On motion of Rep. Hargrove, and second by Rep. Hargrove, the following rules were suspended, without objection, for the remainder of the 1998 legislative session:

**Rule No. 17:** so that all memorializing and congratulatory resolutions can be placed directly on the next Consent Calendar;

**Rule No. 49:** the 48-hour rule so that all bills moved from Calendar and Rules can be set on the next floor Calendar;

**Rule No. 50:** the 72-hour rule for posting the Consent Calendar, so that Local Bills and other bills and resolutions coming out of Calendar and Rules can be placed on the next Consent Calendar on a daily basis;

**Rule No. 71:** the 24-hour rule requiring all amendments to be placed on member's desks;

**Rule No. 59:** notice provisions so that all bills from the Senate with messages can be announced and automatically be placed on the next Message Calendar;

**Rule No. 75:** meeting time provision so that session can meet hours other than 9:00 a.m. to 12 noon and 2:00 p.m. to 7:00 p.m.;

**Rule No. 80(1):** so that all bills reported out of subcommittee can be heard on the next full committee calendar without waiting a week;

**Rule No. 80(1):** so that all bills reported out of committee can be heard in the next committee or subcommittee without waiting a week.

**MOTION TO RESET BILLS**

Rep. Hargrove moved that all bills placed on the Calendars for Monday, April 20, 1998, be reset to the Calendars for Wednesday, April 23, 1998.

**MOTION TO PLACE RESOLUTION ON CALENDAR**

Rep. Hargrove moved to allow Senate Joint Resolution No. 2 to be placed on the Regular Calendar for April 22, 1998, which motion prevailed.

**SENATE MESSAGES**

Without objection, all Senate messages on the desk were placed on the Message Calendar for April 22, 1998.

**ENGROSSED BILLS**

**April 16, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 731.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**April 16, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2773.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 16, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2042; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 2042** -- County Officers - Permits increase of county officials' salaries upon resolution of county legislative body of Williamson County. Amends TCA Title 8, Chapter 24, by \*Jordan.

**MESSAGE FROM THE SENATE**

**April 16, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 86, 2220, 2539 and 3141; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 16, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3352; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 16, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2394; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 16, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 733.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**April 16, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 700, 701, 702, 703, 705, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 720, 721, 722, 723, 724 and 725.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**April 16, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2897.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 16, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2429; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 16, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3012; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 16, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2141; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 16, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2773; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 16, 1998**

MR. SPEAKER: I am directed by the Senate to return Senate Bill(s) No(s). 2823, as requested.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 16, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2799, 3096, 3222, 3364 and 3390; also, House Joint Resolution(s) No(s). 426, 513, 515 and 590; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE GOVERNOR**  
**April 16, 1998**

MR. SPEAKER: I am directed by the Governor to return House Bill(s) No(s). 3154, as requested.

COURTNEY PEARRE, Counsel to the Governor.

**ENGROSSED BILLS**  
**April 16, 1998**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 613, 2080, 2307, 2658, 2725, 2867 and 3286, also, House Joint Resolution(s) No(s). 685.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 16, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2075, 2083, 2084, 2085, 2086, 2087, 2101, 2104, 2105, 2107, 2172, 2249, 2324, 2401, 2583, 2715, 3017, 3079, 3092, 3094, 3100, 3148, 3160, 3242 and 3255; also, Senate Joint Resolution(s) No(s). 404, 590, 591, 593, 594, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610 and 611 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 16, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2904; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 16, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 660; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**April 16, 1998**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2799, 3096, 3222, 3364 and 3390; also, House Joint Resolution(s) No(s). 426, 513, 515 and 590.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 16, 1998**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 731; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 16, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2582, 2611, 2713 and 2898; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 16, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2662, 2718 and 3003; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**CONSENT CALENDAR**  
**April 16, 1998**

The following local bills have been placed on the Consent Calendar for **April 22, 1998**: House Bill(s) No(s). 3381, 3386, 3421, 3422 and 3423.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 95

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

**RECESS MOTION**

On motion of Rep. Hargrove, the House recessed until 10:00 a.m., Wednesday, April 22, 1998.